

Issuance Date: June 30, 2005

Effective Date: August 1, 2005

Expiration Date: June 29, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-002462-7

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The State of Washington Water Reclamation and Reuse Law
Chapter 90.46 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

City of Walla Walla
P.O. Box 478
Walla Walla, Washington 99362

Plant Location: 572 Hatch Street, Walla
Walla, WA 99362

Water Body I.D. No.: WA-32-1060

Plant Type: Activated Sludge and Trickling
Filters

Receiving Water: Mill Creek

Discharge Location: Mill Creek, Blallock and
Gose Irrigation Districts -- Latitude: 46° 03' 56"
N; Longitude: 118° 22' 38" W.

is authorized to discharge in accordance with the special and general conditions that follow.

James M. Bellatty
Water Quality Section Manager
Eastern Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	September 15, 2005
S3.E	Noncompliance Notification	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.D.	Notification of New or Altered Sources	As necessary	
S4.F.	Waste load Assessment	Annually	July 31, 2005
S5.G.	Operations and Maintenance Manual		
S6.D.	Industrial User Survey	1/permit cycle	January 15, 2006
S6.F.	Local limits Evaluation	1/permit cycle	January 15, 2007
S6.G.	Sewer Use Ordinance	1/permit cycle	February 1, 2007
S6.H.	Draft Program Procedures Manual	1/permit cycle	March 15, 2007
S6.H.	Final Program Procedures Manual	1/permit cycle	May 15, 2007
S6.I.	Final Pretreatment Program Development	1/permit cycle	July 1, 2007
S6.I.	Pretreatment Program Progress Report	1/permit cycle	July 1, 2006
S9.A.	Acute Toxicity Characterization Data	1/permit cycle	December 31, 2009
S9.B.	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S10.A	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S10.B	Chronic Toxicity Compliance Monitoring Reports	1/permit cycle	December 31, 2009
R3.B.	Cross Connection Control Report	Annual	
R4.C.	Water Reuse Plan	1/permit cycle Update as needed	
R12.F.	Service and Use Area Agreement	As needed	

Permit Section	Submittal	Frequency	First Submittal Date
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	November 30, 2009
G21	Reporting Anticipated Non-compliance	As necessary	
G22	Reporting Other Information	As necessary	

Submittals shall be sent to the following addresses:

1. Department of Ecology, Attn: WQ Permit Coordinator, 4601 N. Monroe Street, Spokane, WA 99205
2. Department of Health, Water Reclamation and Reuse Program, Division of Drinking Water, 1500 West 4th Avenue, Spokane WA 99204

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations (Discharge to Mill Creek)

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date the Permittee is authorized to discharge municipal wastewater at the permitted location from December 1st through April 30th subject to complying with the following limitations:

	EFFLUENT LIMITATIONS ^(a): (Outfall No. 001)	
Parameter	Average Monthly	Average Weekly
Carbonaceous Biochemical Oxygen Demand ^(b) (5 day)	15.0 mg/L, 1200 lbs/day 85% removal of influent BOD	22.0 mg/L, 1800 lbs/day
Total Suspended Solids ^(b)	15.0 mg/L, 1200 lbs/day 85% removal of influent TSS	22.0 mg/L, 1800 lbs/day
Fecal Coliform Bacteria	200 /100 mL	400 /100 mL
pH ^(c)	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
	Average Monthly	Maximum Daily ^(d)
Total Ammonia (as NH ₃ -N)	1.49 mg/L	3.90 mg/L
Total Chlorine Residual ^(e)	9.00 µg/L	17.90 µg/L
^a The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
^b The average monthly effluent concentration for CBOD ₅ and Total Suspended Solids shall not exceed 15 mg/L or 15 percent of the respective monthly average influent concentrations, whichever is more stringent.		
^c Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 30 minutes per month. Any excursions below 5.0 and above 10.0 are violations.		
^d The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		
^e This effluent limit applies whenever chlorine is used in the facility. If no chlorine is used during the monitoring period enter "no discharge of chlorine" on the DMR for the period.		

METALS EFFLUENT LIMITATIONS (Outfall No. 001)		
Final limits ^(g)		
Parameter	Average Monthly	Maximum Daily
Copper	6.34 µg/L (7.07 µg/L)	8.85 µg/L (10.31 µg/L)
Zinc	54.94 µg/L (50.11 µg/L)	73.02 µg/L (73.10 µg/L)
^(g) See Special Condition S8 for Compliance Schedule		

Footnotes:

⁽¹⁾ The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL). Inductively coupled plasma-mass spectrometry (ICP-MS) and method number 200.8 from 40 CFR Part 136 ICP or other approved analytical methods may be used if MDL is less than require effluent limit.

The MDL for zinc is 2 µg/L using inductively coupled plasma (ICP) and method number 200.7 or inductively coupled plasma-mass spectrometry (ICP-MS) and method number 200.8 from 40 CFR Part 136. The quantitation level (QL) for zinc is 10 µg/L (5 x MDL).

These QLs will be used for assessment of compliance with these effluent limits. If the Permittee is unable to attain the MDL and QL in its effluent due to matrix effects, the Permittee shall submit a matrix specific MDL and QL to the Department by (nine months after the effective date). The matrix specific MDL and QL shall be calculated as follows:

MDL = 3.14 x (standard deviation of 7 replicate spiked samples). This corresponds to the calculation of the method detection limit, as defined in 40 CFR Part 136, Appendix B, with the provision that the MDL be calculated for a specific effluent matrix.

The QL = 5 x MDL

⁽²⁾ If the measured effluent concentration is below the QL as determined in Footnote #1 above, the Permittee shall report NQ for non-quantifiable.

⁽³⁾ Average values shall be calculated as follows: measurements below the MDL = 0; measurements greater than the MDL = the measurement.

B. Effluent Limitations (Discharge to Blalock and Gose Irrigation Districts)

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through December 31, 2008, the Permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the following limitations:

	EFFLUENT LIMITATIONS: (Outfall No. 002)	
Parameter	Average Monthly ^(a)	Maximum Daily ^(b)
Biochemical Oxygen Demand (5 day) ^(c)	16.0 mg/L, 1281 lbs/day 85% removal of influent BOD	24.0 mg/L, 1921 lbs/day
Total Suspended Solids ^(c)	10.0 mg/L, 800 lbs/day 85% removal of influent TSS	15.0 mg/L, 1200 lbs/day
pH ^(d)	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
	7-day Median ^(e)	Sample Maximum ^(f)
Total Coliform Bacteria	2.2 /100 mL	23 /100 mL
	Average Monthly	Sample Maximum
Turbidity	15.0 NTU	22.0 NTU
^(a) The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
^(b) The average monthly effluent concentration for BOD5 shall not exceed 16 mg/L and Total Suspended Solids shall not exceed 10 mg/L or 15 percent of the respective monthly average influent concentrations.		
^(c) Total available (residual) chlorine shall be maintained which is sufficient to attain the Total Coliform limits specified above. Chlorine concentrations in excess of that necessary to reliably achieve these limits shall be avoided.		
^(d) Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 30 minutes per month. Any excursions below 5.0 and above 10.0 are violations.		
^(e) The median number of total coliform organisms in the reclaimed water after disinfection does not exceed 2.2 per 100 milliliters, as determined from the bacteriological results of the last 7 days for which analyses have been completed.		
^(f) The number of total coliform organisms shall not exceed 23 per 100 milliliters in any single sample.		

C. Mixing Zone Descriptions

The maximum boundaries of the chronic mixing zones are defined as follows:

- (i) Not extend in a downstream direction for a distance from the discharge port(s) greater than three hundred feet plus the depth of water over the discharge port(s), or extend upstream for a distance of over one hundred feet;
- (ii) Not utilize greater than twenty-five percent of the flow; and
- (iii) Not occupy greater than twenty-five percent of the width of the water body.

The maximum boundaries of the acute mixing zones shall comply with the most restrictive combination of the following:

- (iv) Not extend beyond ten percent of the distance towards the upstream and downstream boundaries of an authorized mixing zone, as measured independently from the discharge port(s);
- (v) Not utilize greater than two and one-half percent of the flow; and
- (vi) Not occupy greater than twenty-five percent of the width of the water body.

D. Permit Reopener – Walla Walla River Watershed TMDL Study

The Department may also modify this permit as a result of new or amended state or federal regulations. The department will complete the Walla Walla River Watershed Total Maximum Daily Load studies (TMDLs) and submit the document to the Environmental Protection Agency (EPA) for review and approval. After approval by EPA, the documents will be used by the department to develop a Detailed Implementation Plan (DIP). The guidance and schedules in the DIP will be used to develop language and waste load allocations in an amended fact sheet and permit (WA-002065-6). The Department will then reopen and modify the permit to include appropriate language and waste load allocations for discharge to Mill Creek. The permit will be subject to normal factual and public review process prior to final issuance.

S2. RECLAIMED WATER CONDITIONS

Beginning on January 1, 2009, and lasting through its expiration date, all wastewater produced by the Permittee for reclamation under this permit shall comply with the Special Conditions (S.) and General Conditions (G.) as well as the Reclaimed Water Conditions (R.) of this permit.

S3. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	Flow	MGD	Headworks	Continuous ^(a) (Total)	Measurement
"	CBOD5 (001)	mg/l	"	5/week	24-Hour Composite
"	BOD5 (002)	mg/l	"	5/week	24-Hour Composite
"	TSS	mg/l	"	5/week	24-Hour Composite

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
"	TKN	mg/L	"	5/week	Grab
Wastewater Effluent	CBOD5 (001)	mg/l	UV Basin Effluent	5/week	24-Hour Composite
"	BOD5 (002)	mg/l	"	5/week	24-Hour Composite
"	TSS	mg/l	"	5/week	24-Hour Composite
"	UV Intensity	mW-s/cm2	UV Basin	Daily	Measurement
"	ph	Standard Units	UV Basin Effluent	Continuous	Measurement
"	Temperature	°C	"	Daily	Measurement
"	Total Chlorine Residual	µg/L	"	Daily (when in use)	Grab
"	Ammonia ^(d) (as N) (001)	mg/L	"	Daily	24-Hour Composite
"	Metals ^(e) (001)	µg/L	"	1/month	Grab
"	Fecal Coliform (001)	CFU/100 mL	"	Daily ^(b)	Grab
"	Total Coliform (002)	CFU/100 mL	"	Daily ^(c)	Grab
"	Dissolved Oxygen (002)	mg/L	"	Daily	Grab
"	Priority Pollutant Scan	µg/L	"	2/permit cycle ^(f)	24-Hour Composite
"	Turbidity (002)	NTU	Filter Effluent	Continuous ^(g)	Measurement

(a) Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken six times per 24-hour day when continuous monitoring is not possible.

(b) Sampled when discharging to Outfall 001.

(c) Sampled when discharging to Outfall 002.

(d) Detection of Total Ammonia (NH₃-N) determined using the Standard Methods (20th Edition) Method 4500-NH₃ F or other approved equivalent low-level detection method (EPA Testing Method No. 350.3 (40 CFT 136)).

(e) Metals, as total recoverable: copper, and zinc. Sampled when discharging to Outfall 001.

(f) One within the third year after permit issuance and one with the permit application.
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(g) Turbidity monitoring is required when discharging to the irrigation districts. The turbidimeter shall be field verified daily and calibrated against a known standard whenever the verification test shows an error.
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B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Instrumentation Calibration

Monitoring devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with the manufacturer's recommendations. Calibration records shall be maintained for at least three years.

The Permittee shall also verify the accuracy of on-line turbidimeters at a minimum frequency of at least once every two weeks.

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to the Department of Ecology, Eastern Regional Office, 4601 North Monroe, Suite 202, Spokane, Washington 99205-1295.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the treatment plant and be made available upon request to the public or Ecology inspectors.

S4. FACILITY LOADING**A. Design Criteria**

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Average flow for the maximum month: ----- 9.60 MGD
 Maximum day flow: ----- 12.30 MGD
 Instantaneous peak flow: ----- 20.90 MGD
 BOD₅ loading for maximum month: ----- 10,815 lb./day
 TSS loading for maximum month: ----- 10,815 lb./day
 Design population equivalent: ----- 37,004
 TKN, maximum month: ----- 1,871 lbs/day

B. Plans for Maintaining Adequate Capacity

The permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

1. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
2. when the projected increase would reach design capacity within five years,

whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.
4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the

design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee shall continue its ongoing I/I abatement and sewer replacement program.
2. The Permittee shall continue to submit yearly progress reports of its sewer replacement program with its annual assessment.

F. Waste load Assessment

The Permittee shall conduct an annual assessment of their flow and waste load and submit a report to the Department by July 31, 2005, and annually thereafter. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and (except for the first report) the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class IV plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class III plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class I (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions

E. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass.

The Permittee shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. The Department is properly notified of the bypass as required in condition S3E of this permit.
3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

G. Operations and Maintenance Manual

The approved Operations and Maintenance Manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

The O&M Manual shall be reviewed by the Permittee at least annually. The Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department for review and approval whenever they are incorporated into the manual, including the appropriate sections in Condition R5.C.

S6. PRETREATMENT

A. General Requirements

2. The Permittee shall work with the Department to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.
3. This section, S6, requires the development of a program under which the POTW will administer the Federal Pretreatment Program and State Waste discharge permit program for control of discharges to the sanitary sewer from tributary industries. A schedule of submittals related to this program development is contained in sections S6.E. thru S6.I. Until such time as that the program is developed, section S6.B., S6.C., and S6.D. apply. After delegation, the POTW will be required to implement its approved program procedures. Upon approval of the City's industrial pretreatment program, Ecology also intends to modify this NPDES permit to incorporate the requirement to administer the approved program. The City shall then submit copies of permits to Ecology upon issuance providing the basis for Ecology to terminate its permits for indirect discharges.

B. Wastewater Discharge Permit Required

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

C. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30-day period.
3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within 30 days of such change.

D. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
 - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
 - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
 - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.

- f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
 - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
 - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
- a. Noncontact cooling water in significant volumes.
 - b. Stormwater, and other direct inflow sources.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
4. The Permittee shall notify the Department if any industrial user violates the prohibition listed in this section.

E. Industrial User Survey

The Permittee shall complete and submit to the Department an Industrial User Survey listing all SIUs and PSIUs discharging to the POTW. The survey shall be received by the Water Quality Program at ERO by January 15, 2006. At a minimum, the list of SIUs and PSIUs shall be developed by means of a telephone book search, a water utility billing records search, and a physical reconnaissance of the service area. Information on PSIUs shall at least include: the business name, telephone number, address, description of the industrial process(es), and the known wastewater volumes and characteristics. For assistance with the development of the Industrial User Survey, the Permittee shall refer to the Department's guidance document entitled "Performing an Industrial User Survey."

F. Local Limits Evaluation

1. Sampling to Determine Local Limits
- a. The permittee must analyze for the priority pollutants listed in Tables II and III of Appendix D of 40 CFR Part 122 as amended. Sampling must be conducted quarterly starting 3rd quarter 2005 for one year. Each quarter will have a minimum of two samples per quarter. Semiannual sampling must be conducted once during the wet season and once during the dry season, approximately 6 months apart.

- b. The influent and effluent shall be sampled on days when industrial and commercial discharges are occurring at normal to maximum levels.
- c. Procedures listed in 40 CFR 136 must be used for collections, preservation, storage, and analysis of samples.
- d. Sludge
 - 1) Sludge samples must be taken as the sludge leaves the dewatering device or digesters before mixing with sludge of different ages.
 - 2) Sludge Reporting: Analytical results for sludge shall be reported in mg/kg (dry weight).
- e. The permittee must sample as described in Table 1.

Table 1: Local Limits Sampling			
Parameter	Sample Point	Sample Type	Minimum Number of Samples Per Sampling Event
Conventional Pollutants, Metals, Acid Compounds, Base/neutral and Pesticides (1)	Influent	24-hour Composite	Three discrete 24-hour samples within a week (Mon-Fri) (2)(3)
	Effluent	24-hour Composite	Three discrete 24-hour samples within a week (Mon-Fri) (2)(3)
	Sludge	Grab	Once, during the same time period that influent and effluent samples are taken.
	Hauled Waste	Grab	Once, during the same time period that influent and effluent samples are taken (5)
Volatile Organics	Influent	Eight grab samples collected over 24-hours	Three 24-hour samples within a week (Mon-Fri) (2) (4)
	Effluent	Eight grab samples collected over 24-hours	Three 24-hour samples within a week (Mon-Fri) (2) (4)
	Sludge	Grab	Once, during the same time period that influent and effluent samples are taken.

	Hauled Waste	Grab	Once, during the same time period that influent and effluent samples are taken (5)
<p>Note:</p> <p>(1) Influent and effluent samples for cyanide shall be collected and analyzed as required in paragraph S6.F.1.g. 4).</p> <p>(2) Sample days need not be contiguous.</p> <p>(3) Each 24 hour composite sample must be analyzed and reported as a discrete sample.</p> <p>(4) A single analysis for volatile pollutants may be run for each 24-hour monitoring day. See paragraph S6.F.1.h. 2).</p> <p>(5) Need to be sampled if considering to authorization of discharging hauled waste at the POTW</p>			

f. Metals, Cyanide, Percent Solids

- 1). The permittee must sample influent, effluent, and sludge from its facility for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, and zinc. Sludge must also be analyzed and reported for percent solids.
- 2). Metals must be analyzed and reported as total metals.
- 3). For pretreatment sampling, the permittee must use EPA-approved analytical methods that achieve the method detection limits (MDLs) in Table 2, unless higher detection limits are approved by Water Quality Program at ERO. Requests for higher MDLs must be submitted in writing to the ERO Pretreatment Engineer at address S6.K.
- 4). Cyanide sampling: Influent and effluent and effluent sampling for cyanide must be conducted as follows. Eight discrete grab samples must be collected over a 24-hour day. Each grab sample must be at least 100 ml. Each sample must be checked for the presence of chlorine and/or sulfides prior to preserving and compositing (refer to Standard Methods, 4500-CN B).

Table 2: Method Detection Limits	
Parameter	MDL, ug/l
Arsenic	1.0
Cadmium	0.2
Chromium	1.0
Copper	1.0
Cyanide	10.0 (1)
Lead	1.0
Mercury	0.1
Molybdenum	4.0
Nickel	1.0
Selenium	2.0
Silver	0.2
Zinc	4.0

Table 2: Method Detection Limits	
Parameter	MDL, ug/l
Note: (1) This value represents a minimum level, not an MDL.	

g. Toxic Organics

- 1) The permittee must perform chemical analyses of its influent, effluent, and sludge for all specific toxic organic pollutants listed in Table II of Appendix D of 40 CFR 122.
- 2) Volatile Organic Sampling: eight discrete samples must be collected over the 24 hour day using 40 ml VOC vials with Teflon septa. During sampling, the flow from the discharge will be controlled to produce smooth laminar flow to prevent agitation and aeration of the sample. The VOC vials will be filled to the top such that there is a meniscus present. There must be no visible air space or air bubbles in the VOC vials when capped. A single analysis for volatile pollutants may be run for each monitoring day by compositing equal volumes of the individual discrete VOC vials (at the analytical laboratory using extreme care not to introduce air/bubbles) directly into the GC purge and trap apparatus, with no less than 1 ml of each grab included in the composite. The composite sample must be analyzed immediately.
- 3) In addition to priority pollutants, a reasonable attempt must be made to identify and quantify the ten most abundant substances of each fraction (excluding priority pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatogram) more than ten times higher than the adjacent background noise which produces an identifiable spectra, and more than five scans wide. Identification must be attempted by a laboratory whose computer data processing programs are capable of comparing the sample mass spectrum to a computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be an order of magnitude estimate based on comparison with an internal standard.
- 4) Sample Handling: All samples must be prepared, preserved, shipped, and analyzed in accordance with USEPA Methods 624 and 625.

2. Local Limits Evaluation Requirements

- a. By January 15, 2007, the permittee shall submit to Water Quality Program at ERO, Southwest Regional Office, and EPA, a complete local limits evaluation.
- b. The evaluation shall propose limits that protect water quality in the receiving stream, biological processes in the treatment plant, and sludge quality goals.
- c. At a minimum, the evaluation shall address fats, oils & grease, conventional pollutants (i.e. BOD and TSS), pH, TKN, and propose limits for each metal (above) and each priority pollutant listed in Tables II and III of Appendix D of 40

CFR Part 122 which has been observed to be entering the POTW at levels of concern for pass through or interference.

- d. The submittal shall include proposed local limits, maximum allowable headworks loading, all supporting calculations, data from which calculations were based, and clear explanations of all assumptions.
- e. The monitoring to support development of these local limitations shall be conducted as required in section S6.F.1.
- f. For assistance with the development of Local Limits, the Permittee shall refer to the Department's guidance document entitled, "Model Guidance Manual for Using NEWLL8.xls to Develop Local Discharge Limitations" and EPA's "Local Limits Development Guidance" dated July 2004.
- g. The permittee can request for a waiver from Water Quality Program at ERO if their current local limits meet the requirements in sections S6.F.1. and S6.F.2.

G. Sewer Use Ordinance

The permittee shall develop and adopt a sewer use ordinance according to the following schedule:

1. By February 1, 2007, the permittee shall submit a proposed sewer use ordinance and evaluation of legal authority to Water Quality Program at ERO, Southwest Regional Office, and EPA.
 - a. The ordinance shall incorporate the local limits developed under paragraph S6.F. and the general pretreatment requirements of 40 CFR 403.
 - b. The evaluation of legal authority, as minimum, will be an evaluation by the city's attorney of the legal authorities to be used by the Permittee to apply and enforce the requirements of Sections 307(b) and (c) and 402(b)(8) of the Clean Water Act, including those requirements outlined in 40 CFR 403.8(f)(1). The ability of the POTW's program to administer the program to any tributary industries outside the City limits through adequate multijurisdictional agreements must also be addressed.
2. Within 3 months of Water Quality Program at ERO approval of the proposed sewer use ordinance, the permittee shall codify the ordinance, incorporation such modifications as required by Water Quality Program at ERO.
3. For assistance with the development of Sewer Use Ordinance, the Permittee shall refer to the Department's guidance document entitled, "Model Pretreatment Ordinance" and EPA's "Model Ordinance for Pretreatment."
4. The permittee can request for a waiver from Water Quality Program at ERO if their current Sewer Use Ordinance meets the requirements in section S6.G.

H. Program Procedures Manual

The permittee shall develop and adopt a program procedures manual according to the following schedule:

1. By March 15, 2007, the permittee shall submit a draft program procedures manual Water Quality Program at ERO, Southwest Regional Office, and EPA. The manual will contain at a minimum provisions implementing State Waste Discharge Permit program of Chapter 173-216 WAC, Plans for Pollution Control Facilities of Chapter 173-240 WAC, and the federal pretreatment program requirements of 40 CFR 403.
2. Upon Ecology review and feedback, the permittee will resubmit the manual and addresses Ecology feedback by May 15, 2007.
3. At a minimum, the program procedures manual will contain the following:
 - a. An evaluation of the financial programs, staffing, and revenue sources, as required by 40 CFR 403.8(f)(3), that will be employed to implement the pretreatment program;
 - b. Policies and procedures(e.g. locating industries, notification, engineering, permitting, inspection, data management, handling hauled waste, sampling, spill plan review, and enforcement—Enforcement Response Plan), needed to implement local, state, and federal pretreatment standards and requirements in particular those of 40 CFR 403.8 and 403.12;
 - c. List of monitoring equipment required by the POTW to implement the pretreatment program and a description of municipal facilities to be constructed or acquired for monitoring or analysis of industrial wastes.

I. Schedule for Pretreatment Program Development

1. By July 1, 2007, the permittee shall submit to Water Quality Program at Eastern Regional Office (ERO) for approval a pretreatment program developed in accordance with the general pretreatment regulations (40 CFR 403). Copies shall also be submitted to Southwest Regional Office and EPA.
2. By July 1, 2006, the permittee shall submit to Water Quality Program at ERO, Southwest Regional Office, and EPA, a progress report that outlines the progress made toward development of the pretreatment program. At a minimum, the pretreatment program shall include the following:
 - 1). Results of an industrial waste survey (Industrial User Survey) as required by 40 CFR 403.8(f)(2)(i-iii), including identification of non-domestic users and the character and volume contributed to the POTW by the non-domestic users and developed as required in paragraph S6.E.;
 - 2). Local limits for pollutants, developed as required in S6.
 - 3). The city's sewer use ordinance, developed as required in paragraph S6.G;
 - 4). An evaluation by the city's attorney of the legal authorities to be used by the Permittee to apply and enforce the requirements of Sections 307(b) and (c) and 402(b)(8) of the Clean Water Act, including those requirements outline in 40 CFR 403.8(f)(1). Multijurisdictional issues must also be addressed as required in paragraph S6.G.;
 - 5). An evaluation of the financial programs, staffing, and revenue sources, as required by 40 CFR 403.8(f)(3) and paragraph S6.H., that will be employed to implement the pretreatment program;

- 6). Policies and procedures (e.g. permitting, inspections, compliance and enforcement—Enforcement Response Plan), which will implement the requirements of 40 CFR 403 and in particular those requirements in 40 CFR 403.8 and 403.12 and as required by paragraph S6.H.;
- 7). List of monitoring equipment required by the POTW to implement the pretreatment program and a description of municipal facilities to be constructed or acquired for monitoring or analysis of industrial wastes and as required by paragraph S6.H..

J. Continuing Monitoring for Pollutants of Concern

1. Following completion of the local limit sampling required under Section S6.I., the permittee must continue to monitor for pollutants of concern identified in the local limits evaluation on a semi-annual basis. Sampling events shall be once during the wet season and once during the dry season, approximately 6 months apart.
2. The influent and effluent must be sampled on days when industrial and commercial discharges are occurring at normal to maximum levels.
3. The permittee shall sample as described in Sections S6.I.3. through S6.I.6, above.

K. Reports and Information

All reports and information required to be submitted under this part shall be submitted to the following addresses:

Original to: Pretreatment Engineer
Department of Ecology, Eastern Regional Office
Water Quality Program
4601 N. Monroe Street
Spokane, Washington 99205

Copy to: Pretreatment Coordinator
Department of Ecology, Southwest Regional Office
P.O. Box 47775
Olympia, Washington 98504-7775

Copy to: Pretreatment Coordinator
United States Environmental Protection Agency Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101

S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters.

S8. COMPLIANCE SCHEDULE

<u>Parameter</u>	<u>Compliance Date</u>
Annual Status Reports(a).....	December 31st of each year
Pretreatment Program Progress Report	July 7, 2006
Pretreatment Program Development	July 7, 2007
Reclaimed Water and Final Effluent Limits(b).. <hr/>	December 31, 2008

(a) Annual status reports shall be submitted until the water reclamation and reuse project is completed and operational.

(b) Effluent limits for copper and zinc

S9. ACUTE TOXICITY**A. Testing Requirements**

The Permittee shall test final effluent once in the last summer and once in the last winter and submit results with the application for permit renewal. The three species listed below shall be used on each sample and the results submitted to the Department as a part of the permit renewal application process. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. The percent survival in 100% effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F).
- 3) Rainbow trout, *Oncorhynchus mykiss* (96-hour static-renewal test, method: EPA/600/4-90/027F)

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S10. CHRONIC TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in the last summer and once in the last winter and submit with the application for permit renewal. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department as a part of the permit renewal application process.

The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 99% effluent. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	Pimephales promelas	EPA/600/4-91/002
Water flea	Ceriodaphnia dubia	EPA/600/4-91/002

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.

RECLAIMED WATER CONDITIONS**R1. RECLAIMED WATER LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

The production and use of reclaimed water shall be in compliance with all specific conditions and requirements of the Washington State Water Reclamation and Reuse Standards, 1997, and is subject to the requirements listed below:

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to distribute Class A reclaimed water to public and private entities for commercial and industrial uses and/or to apply reclaimed water to land for irrigation at agronomic rates at locations listed in Condition R4. The distribution and use of reclaimed water is subject to the following treatment and water quality limitations:

Reclaimed Water Limitations		
Oxidized Wastewater – Secondary Effluent ^(c)		
Parameter	Average Monthly ^(a)	Average Weekly ^(b)
BOD5	30 mg/L	45 mg/L
TSS	30 mg/L	45 mg/L
Dissolved Oxygen	Shall be measurably present in secondary effluent at all times	
Coagulated/ Filtered Wastewater – Prior to Disinfection		
Parameter	Average Monthly ^(a)	Sample Maximum ^(d)
Turbidity	2 NTU	5 NTU
Disinfected - Reclaimed Water		
Parameter	Average Monthly ^(a)	Average Weekly ^(b)
BOD5	10 mg/L	15 mg/L
TSS	10 mg/L	15 mg/L
Dissolved Oxygen	Shall be measurably present in secondary effluent at all times	
Parameter	7-day Median ^(e)	Sample Maximum ^(f)
Total Coliform	2.2 CFU/100 ml	23 CFU/100 ml
pH	Shall be between 6 and 9 standard units at all times	
^(a) The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^(b) The average weekly effluent limitation is defined as the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.		
^(c) The sampling point for BOD and TSS will be the secondary effluent.		

Reclaimed Water Limitations	
(d)	The sample maximum is defined as the value not to be exceeded by any single sample.
(e)	The median number of total coliform organisms in the reclaimed water after disinfection does not exceed 2.2 per 100 milliliters, as determined from the bacteriological results of the last 7 days for which analyses have been completed.
(f)	The number of total coliform organisms shall not exceed 23 per 100 milliliters in any single sample.

R2. RECLAIMED WATER MONITORING REQUIREMENTS

A. Class A Reclaimed Water Monitoring

Beginning January 1, 2009, and lasting through the expiration date of this permit, the Permittee shall monitor the reclaimed water according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow	MGD		Continuous	Recording meter
BOD5	mg/l	Influent	Daily	24-hour composite
		Secondary effluent ^(a)	Daily	24-hour composite
TSS	mg/l	Influent	Daily	24-hour composite
		Secondary effluent ^(a)	Daily	24-hour composite
pH	Standard Units	Influent	Daily	Measurement
		Secondary effluent	Daily	Measurement
		Disinfected reclaimed water	Daily	Measurement
TKN	mg/L	Influent	5/week	Grab ^(b)
Dissolved Oxygen	mg/L	Secondary effluent ^(a)	Daily	Grab ^(b)
		Disinfected reclaimed water	Daily	Grab ^(b)
Temperature	Celsius	Secondary effluent ^(a)	Daily	Grab ^(b)
		Disinfected reclaimed water	Daily	Grab ^(b)
Turbidity	NTU	Secondary effluent ^(a)	Daily	Grab ^(b)
	NTU	Filter effluent prior to disinfection	Continuous	recording meter ^(c)
Coagulant	Lbs.	Coagulant feed	Daily	Metered usage
Coagulant Aid	Lbs.	Coagulant feed	Daily	Metered usage

Total Nitrogen (as N)	mg/l	Disinfected reclaimed water	Monthly	24-hour composite
Ammonia (as N)	mg/L	Disinfected reclaimed water	Monthly	24-hour composite
UV Intensity	mW-s/cm ²	UV Basin	Daily	recording meter
Total Coliform ^(d)	No. of org. per 100 ml	Disinfected reclaimed water	Daily	Grab ^(b)
Priority Pollutants	ug/L	Disinfected reclaimed water	Once per permit cycle	24-hour composite
Total Chlorine Residual	mg/L	Water Reuse Distribution Line	Daily (when in use)	Grab ^(b)
^(a) Secondary effluent shall be taken prior to the filtration system (i.e., Pump Station #3 inlet structure). Disinfected reclaimed water samples shall be taken at the effluent end of the UV Basin.				
^(b) Grab samples shall be taken at the same time daily when wastewater characteristics are the most demanding on the treatment facilities and disinfection processes.				
^(c) Filter effluent turbidity analysis shall be performed by a continuous recording turbidimeter and shall be recorded at least every four hours.				
^(d) Total coliform bacteria may be monitored using the ONPUG-MUG test (also called Autoanalysis Colilert System) or most probable number (MPN) per latest edition of standard methods.				

R3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall maintain records and report to the Departments of Ecology and Health in accordance with Special Condition S3, and the following conditions. All records shall be retained for a minimum of three years. The falsification of information submitted to the Departments shall constitute a violation of the terms of this permit.

A. Reclaimed Water Operational Records

- Operating records shall be maintained at the reclamation treatment plant or within a central depository within the Permittee's operating agency. These records shall include: records of all analyses performed, records of operational problems, unit process and equipment breakdowns, and diversions to emergency storage or disposal; and all corrective or preventative action taken.
- Process or equipment failures triggering an alarm that is key to maintaining reliability of reclaimed water quality shall be recorded and maintained as a separate record file. The recorded information shall include the time and cause of failure and corrective action taken.

3. A monthly summary of operating records as specified above shall be submitted with the Discharge Monitoring Report form to The Departments of Ecology and Health at that address listed under R3.B. below.
4. Cross Connection Control Report. An annual cross-connection control report shall be submitted to the Departments of Health by a certified Cross-Control Specialist identifying all devices tested and any cross-connection incidents which occurred in the reuse system.

B. Submittal Reporting:

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Departments of Health and Ecology, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than 45 days following the reporting period.

Monitoring Report forms must be submitted monthly whether or not the facility is reclaiming and distributing reclaimed water. If the reclamation facility was not operating during a given monitoring period, submit the form as required with the words "no reclamation or reuse" entered in place of the monitoring results.

Reclaimed water monitoring reports shall be submitted to the following addresses:

1. Department of Ecology, Permit Coordinator, Eastern Regional Office, 4601 North Monroe, Spokane, WA 99205.
2. Department of Health, Water Reclamation and Reuse Program, Division of Drinking Water, 1500 West 4th Avenue, Spokane WA 99204

R4. RECLAIMED WATER DISTRIBUTION AND USE

The Permittee shall monitor the reclamation facility loading in accordance with Special Condition S4. and the following conditions.

A. Design Criteria and Plan to Maintain Adequate Capacity

Design flows for the permitted reclamation facility shall not be exceeded:

Average flow for the maximum month: ----- 9.60 MGD

Maximum day flow: ----- 12.30 MGD

Instantaneous peak flow: ----- 20.90 MGD

BOD5 loading for maximum month: ----- 10,815 lb./day

TSS loading for maximum month: ----- 10,815 lb./day

Design population equivalent: ----- 37,004

TKN, maximum month: ----- 1,871 lbs/day

When the actual flow reaches 85 percent of the above design criteria for three consecutive months, or when the projected increases would reach design capacity within five years, whichever occurs first, the Permittee shall submit to the Department, a plan and a schedule for continuing to maintain capacity at the facility sufficient to achieve the reclaimed water limitations and other conditions of this permit.

Engineering documents associated with the plan must meet the requirements of the Water Reclamation and Reuse Standards and WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

B. Authorized Uses and Locations

Beginning on January 1, 2009 and lasting through the expiration date of this permit, The Permittee is authorized to distribute water reclaimed in accordance with the terms and conditions of this permit for authorized uses.

The distribution by the Permittee of reclaimed water that does not meet the treatment, water quality and monitoring requirements established in this permit or the use of reclaimed water other than for authorized uses and locations listed in a Department of Health and Ecology approved reclaimed water engineering report shall constitute a violation of the terms and conditions of this permit.

The Permittee may produce and distribute Class A reclaimed water for the following uses at the following locations:

- Blalock Irrigation District #3 to irrigate crops (Average Monthly Flow 6.06 mgd)
- Gose Irrigation District to irrigate crops (Average Monthly Flow 1.14 mgd)

C. Water Reuse Plan

The Permittee shall prepare a water reuse plan, which contains a summary description of the proposed water reuse system from the approved Engineering Report. The plan shall be submitted to the Departments of Health and Ecology for approval by December 31, 2008. The Permittee shall review the plan at least annually and the plan shall be updated whenever new uses or users are added to the distribution system. A copy of the revised plan shall be submitted to Ecology and Health. The plan shall contain, but not be limited to, the following:

1. Description of the reuse distribution system;
2. Identification of uses, users, location of reuse sites.
3. Evaluation of reuse sites, estimated volume of reclaimed water use, means of application, and for irrigation or surface percolation uses, the application rates, water balance, expected agronomic uptake, potential to impact ground water or surface water at the site, background water quality and hydrogeological information necessary to evaluate potential water quality impacts.

D. Bypass Prohibited

There shall be no bypassing of untreated or partially treated wastewater from the reclamation plant or any intermediate unit processes to the distribution system or point of use at any time. All reclaimed water being distributed for beneficial use must meet Class A requirements at all times. Water not meeting Class A must be retained for additional treatment by diversion to a bypass storage lagoon or discharged to an authorized wastewater outfall.

The Departments of Ecology and Health shall be notified by telephone within 24 hours of any diversion to a bypass storage lagoon or authorized outfall.

Substandard wastewater shall not be discharged to the reclaimed water distribution system or use areas without specific approval from the Departments of Health and Ecology

E. Reliability

The Permittee shall maintain the highest reliability class as described in the Water Reclamation and Reuse Standards which require one of the following features for each of the critical reclamation treatment unit processes of oxidation, coagulation, filtration and disinfection:

1. Alarms and standby power source
2. Alarms and automatically actuated short-term (24-hour) storage or disposal provisions.
3. Automatically actuated long-term storage or disposal provisions for treated wastewater.

F. Use Area Responsibilities

1. A standard notification sign shall be developed by the Permittee using colors and verbiage approved by the state Department of Health. The signs shall be used in all reclaimed water use areas, consistent with the Water Reclamation and Reuse Standards.
2. Reclaimed water use, including runoff and spray shall be confined to the designated and approved use area.
3. The Permittee shall control industrial and toxic discharges to the sanitary sewer that may affect reclaimed water quality through either a delegated pretreatment program with the Department of Ecology or assuring all applicable discharges have permits issued under the Water Pollution Control Act, Chapter 90.48 RCW, and the State Waste Discharge Permit Regulation, Chapter 173-216 WAC.
4. Where the reclaimed water production, distribution and use areas are under direct control of the permittee, the Permittee shall maintain control and be responsible for all facilities and activities inherent to the production, distribution and use of the reclaimed water. The Permittee shall ensure that the reuse system operates as approved by the Departments of Health and Ecology.

G. Service and Use Area Agreement

Where the reclaimed water additional treatment, distribution system or use area is not under direct control of the permittee:

1. The person(s) who provides additional treatment, distributes, owns, or otherwise maintains control over the reclaimed water use area is responsible for reuse facilities and activities inherent to the production, distribution and use of the reclaimed water to ensure that the system operates as approved by the Departments of Health and Ecology in accordance with this Permit.
2. Reclaimed water uses, including runoff and spray, shall be confined to the designated and approved use areas.
3. A binding Service and Use Area Agreement among the parties involved is required to ensure that construction, operation, maintenance, and monitoring meet all requirements of the Departments of Health and Ecology. This agreement must be consistent with the requirements of the Water Reclamation and Reuse Standards, 1997. A copy of each Service and Use Area Agreement must be submitted to and approved by the Departments of Health and Ecology prior to implementation.
4. The Service and Use Area Agreement shall provide the Permittee with authority to terminate service of reclaimed water to a customer violating the State Water Reclamation and Reuse Standards and restrictions outlined in the Service and Use Area Agreement. The Service and Use Area Agreements shall be approved by the Departments of Health and Ecology prior to the distribution of any reclaimed water.
5. No reclaimed water shall be distributed by the Permittee without a reclaimed water service and use agreement approved by the Departments of Health and Ecology.

H. Reclaimed Water Ordinance

The Permittee shall complete a local ordinance to include policies and procedures for the distribution and delivery of reclaimed water. The ordinance shall provide the Permittee with the authority to terminate service of reclaimed water from any customer violating the state Water Reclamation and Reuse Standards and restrictions outlined in the service and use agreement.

I. Irrigation Use

1. For any irrigation use of reclaimed water, the hydraulic loading rate of reclaimed water shall be determined based on a detailed water balance analysis. The calculated loading rate(s) and the parameters and methods used to determine the loading rate(s) shall be submitted to the Washington Department of Ecology for approval.
2. There shall be no runoff of reclaimed water applied to land by spray irrigation to any surface waters of the state or to any land not authorized by approved use agreement.

3. There shall be no application of reclaimed water for irrigation purposes when the ground is saturated or frozen.
4. The reclaimed water shall not be applied to the irrigation lands in quantities that:
 - a. Significantly reduce or destroy the long-term infiltration rate of the soil.
 - b. Cause long-term anaerobic conditions in the soil.
 - c. Cause ponding of reclaimed water and produce objectionable odors or support insects or vectors.
 - d. Cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the reclaimed water, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.

The Permittee shall maintain all irrigation agreements for lands not owned for the duration of the permit. The Permittee shall inform the Departments of Health and Ecology in writing of any proposed changes to existing agreements.

R5. OPERATION AND MAINTENANCE

The Permittee shall operate and maintain the facility loading in accordance with Special Condition S5. and the following conditions.

A. Certified Operator

An operator certified for at least a Class III plant by the State of Washington shall be in responsible charge of the day-to-day operation of the water reclamation plant. An operator certified for at least a Class II plant shall be in charge during all regularly scheduled shifts.

B. Reclaimed Water System Maintenance

The Permittee shall institute an adequate operation and maintenance (O&M) program for the entire reclamation facility. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, collection, distribution and use areas. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

1. At all times, the reclamation facility, distribution and use areas shall be maintained to ensure that all equipment is kept in a reliable operating condition.
2. A chlorine residual of at least 0.5 mg/l shall be maintained in the reclaimed water during conveyance from the reclamation plant to the use area unless waived by the Departments of Health and Ecology.

3. Maintenance of a chlorine residual is not required in reclaimed water impoundments and storage ponds. At the discretion of the Departments of Health and Ecology, chlorine residual may not be required in reclaimed water distributed from storage ponds.

C. Operation and Maintenance Manual

The Operation and Maintenance Manual for the facility shall include the following reclaimed water information:

1. An alarm condition response plan to ensure that no untreated or inadequately treated wastewater will be delivered to the use areas.
2. A discussion of the cross-connection control and inspection program, including who will be responsible for compliance and testing of cross connection control devices.
3. Operational strategies for the reclaimed water use areas.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the departments of Health and Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the departments of Health and Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.